

DOCKET FILE COPY ORIGINAL

LAW OFFICES
KOTEEN & NAFTALIN, L.L.P.
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036-4104

BERNARD KOTEEN*
ALAN Y. NAFTALIN
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
CHARLES R. NAFTALIN
*SENIOR COUNSEL

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915

RECEIVED

April 13, 2000

APR 13 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Hand Delivered

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: Petition of AT&T Corp. and Alascom, Inc., CC Docket No. 00-46

Dear Ms. Salas:

Transmitted herewith, on behalf of AT&T Corp. and Alascom, Inc., are an original and fourteen copies of their Opposition to Request for Extension by the Regulatory Commission of Alaska in the above-referenced proceeding.

In the event that there are questions concerning this matter, please communicate with this office.

Very truly yours,



Charles R. Naftalin

Enclosures

No. of Copies rec'd 0714
List ABCDE

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

APR 13 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of the Petition of

DOCKET FILE COPY ORIGINAL

AT&T CORP. and ALASCOM, INC.

CC Docket No. 00-46

For Elimination of Conditions Imposed
by the FCC on the AT&T-Alascom Relationship

**OPPOSITION OF AT&T CORP. AND ALASCOM, INC. TO
REQUEST FOR EXTENSION BY THE REGULATORY COMMISSION OF ALASKA**

AT&T Corp. ("AT&T") and its wholly-owned subsidiary Alascom, Inc. ("Alascom") hereby oppose the Request for Extension, dated April 10, 2000 ("Request"), by the Regulatory Commission of Alaska ("RCA") in which the RCA asks that the Commission delay the beginning of the pleading cycle designated in the instant proceeding by four and one-half months, 136 days, from April 17, 2000 to September 1, 2000.¹ As demonstrated below, the RCA has offered no valid grounds to support an enormous delay in this proceeding, or justified the late date upon which it has sought an extension. Accordingly, the proceeding should go forward as scheduled.

AT&T and Alascom filed their Petition for Elimination of Conditions on March 10, 2000, and the Commission issued public notice of this proceeding on March 17, 2000.² In the Petition, AT&T and Alascom sought elimination of FCC requirements that Alascom be maintained as a corporation separate from AT&T, that AT&T and Alascom file and maintain separate interstate tariffs, that the FCC repeal its "Bush policy," and that the FCC streamline Alascom's current "Common Carrier Services" obligations under its Tariff FCC No. 11 subsequent to a two-year transition and monitoring period. AT&T and Alascom also requested waiver of certain of the

¹ Although the RCA's Request is dated April 10, 2000, undersigned counsel was informed of it by telephone on April 11, 2000, and provided a copy of it that day by fax.

² *Pleading Cycle Established for Comments on AT&T and Alascom Petition for Structural and Other Regulatory Relief*, DA 00-603 (March 17, 2000). The RCA does not discuss why it waited until April 10 or 11, 2000, to seek an extension of time.

Commission's carrier selection and Section 214 rules to facilitate the transfer of customers from Alascom to AT&T.

Now, 25 days after the public notice, the RCA wants to delay the submission of any comments in this proceeding by more than four months. This request should be denied. Not only are RCA's reasons without merit, but it may participate on the record in this proceeding under the Commission's *ex parte* rules. 47 C.F.R. § 1.1206.

The RCA contends that the relief sought by AT&T and Alascom may "have significant effects on the Alaskan telecommunications market" (Request, p. 3), may "have the potential to affect consumers and other carriers throughout Alaska" (Request, p. 4), might lead to separations effects, and "could make effective regulation of Alascom's intrastate rates impossible." (Request, pp. 4-5).

AT&T and Alascom state for the record that these concerns have no material basis and they are prepared to demonstrate conclusively that there is no good reason to expect any undermining of the public interest in connection with the regulatory relief requested. On the contrary, the relief would advance the public interest through public and private cost savings, and improved services and efficiency. In any event, delay in addressing the RCA's concerns would serve no rational purpose. The RCA has not offered any valid reason why it cannot air its concerns in a timely manner, rather than after a delay of 136 days, allowing swifter resolution of them.

The RCA argues that the FCC should lock this proceeding in stasis because the RCA has a proceeding underway examining the Alaska *intrastate* interexchange market structure. The RCA asks the FCC to delay starting its proceeding until September 1, 2000 to provide the RCA an opportunity to resolve various intrastate issues currently before it. (Request, pp.5-8) It contends that making its views known now would prejudice that proceeding.

The FCC should deny RCA's request for several reasons. The various forms of relief

sought by AT&T and Alascom, such as elimination and streamlining of FCC tariffs, elimination of FCC affiliate transaction requirements and an FCC-imposed separate subsidiary requirement, and Section 214 requirements, are exclusively within the FCC's jurisdiction. Although the RCA would be an interested party, and AT&T and Alascom encourage its participation, the FCC alone has the authority to act on the Petition, whether or not the RCA is considering amendments to intrastate rules and regulations. If the RCA has concerns about the interstate relief sought in the AT&T/ Alascom Petition, it should express them now, not in four and a half months.

Moreover, grant of RCA's request would set an extraordinarily bad precedent. There are countless instances where the FCC must undertake timely action in exercising its authority over the interstate telecommunications market. If it froze proceedings every time a state agency might be considering intrastate adjustments, then the FCC would never be able to exercise its statutory duties on a reasonable schedule.

Despite its strong opposition to the RCA's extension request, AT&T and Alascom recognize that the RCA is an interested party, and they welcome the RCA's participation in this proceeding. Accordingly, they invite the RCA to participate during the pleading cycle which has been established. In addition, AT&T and Alascom would not object to a supplemental *ex parte* submission into the record from the RCA up to September 1, 2000. Thus, if the RCA adopts new regulations and believes that an expression of its views into the record is warranted, it would be assured that it would be free to do so, and would not draw an objection from AT&T and Alascom. (AT&T and Alascom, of course, reserve the right to respond to any such submission). In this regard, AT&T and Alascom also would not object if the FCC withheld a decision in this proceeding until after September 1, 2000, in order to afford the RCA an opportunity to supplement the record.

Therefore, the Request for Extension of the RCA should be denied so that the FCC may govern its own processes efficiently and fairly. Such a denial would not prejudice the interests expressed by the RCA, which would have an opportunity to supplement the record of this proceeding by September 1, 2000.

Respectfully submitted,

AT&T CORP.
ALASCOM, INC.

/s/ Judy Sello /by CRR

Mark C. Rosenblum
Judy Sello
Room 1135L2
295 North Maple Avenue
Basking Ridge, NJ 07920
(908) 221-8984

/s/ Charles R. Naftalin

Charles R. Naftalin
Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 467-5700

April 13, 2000


Their Attorneys

CERTIFICATE OF SERVICE

I, Charles R. Naftalin, do hereby certify that on this 13th day of April, 2000, a copy of the foregoing "Opposition of AT&T Corp. and Alascom, Inc. to Request for Extension by the Regulatory Commission of Alaska" was served by facsimile and U.S. first class mail, postage prepaid, on the following parties:

Jeff Landry
Assistant Attorney General
Commercial Section
State of Alaska, Department of Law
Attorney General's Office
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501
Fax No. (907) 276-8554

G. Nanette Thompson, Chair
Patricia M DeMarco
Acting Chair
Regulatory Commission of Alaska
1016 West 6th Avenue, Suite 400
Anchorage, Alaska 99501-1963
Fax No. (907) 276-0160

/s/ 
Charles R. Naftalin